IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12578 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SANT ROHIDAS KHETI SAMUDAYA SAHAKARI MANDLI LTD.

Versus

STATE OF GUJARAT

Appearance:

MR RAJESH K DESAI for Petitioner

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 20/12/2000

ORAL JUDGEMENT

1. Heard Shri M.J. Purohit for the petitioner on admission of this petition. In this petition, the petitioner has challenged the impugned order (Annexure-'E') dated 27-11-2000 passed by the Assistant Collector, Rajkot. In para-4 of the writ petition, it is specifically mentioned that alternative efficacious

remedy is available to the petitioner to challenge the impugned order before the Collector, respondent no.2. The impugned order has been passed by the Assistant/Deputy Collector, Rajkot. Since the alternative efficacious remedy is available to the petitioner, this writ petition can not be entertained without exhausting that alternative remedy.

2. In the same paragraph, it is further mentioned that the respondents are dancing to the tune of present MLA, as well as, political ruling party, and they are discriminating the present petitioners' Society, hence they apprehend that the respondent no.2 may be influenced by the political ruling party, as well as, the present MLA. As such, the petitioner has not chosen to exhaust the alternative efficacious remedy. The apprehension may be true or may be false but, since the alternative efficacious remedy is available to the petitioner, he must exhaust the same before approaching this Court.

3. Shri Purohit, however, requests that some observations may be made while dismissing this petition on grounds of alternative remedy that, the Collector, respondent no.2 shall decide the appeal of the petitioner uninfluenced by any political pressure from any political party including the present ruling party and the present MLA. The request seems to be genuine and reasonable and also in the interest of justice.

4. The petition is, therefore, summarily dismissed. It is however, directed that, in case the petitioner prefers an appeal before the Collector, respondent no.2 against the order of the Assistant/Deputy Collector (Annexure-'E') dated 27-11-2000, the said appeal shall be heard and disposed of by the Collector, respondent no.2 in accordance with law after affording an opportunity of hearing to the appellant. In deciding the said appeal, the Collector shall not be influence or guided by any political interference or influenced by any political party including the ruling party or the present MLA.

December 20, 2000. [D.C. Srivastava, J.]

/sakkaf